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**JAN 24 2007**

Application No.: 10/714,337

Docket No.: JCLA9898

**In The Drawing:**

In this amendment, FIG. 6 and FIG. 7 are new drawing for overcoming drawing objection. Further, FIG. 6 and FIG. 7 are fully supported by paragraph [0023] of the originally-filed specification. Therefore, no new matter is introduced.

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**REMARKS****RECEIVED  
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JAN 24 2007****Present Status of the Application**

In the Final Office Action dated 11/15/2006, the Examiner rejected Claims 11 and 12 under 35 U.S.C. 102(e) as being anticipated by Matsumoto (US 7,046,600, hereinafter "Matsumoto") and Claims 13-17 under 103(a) as being unpatentable over Matsumoto in view of Nishida (JP 62020153). Also, the drawings are objected to.

By this Amendment, Applicant has cancelled Claims 14 and 16 without prejudice or disclaimer. Based on this Amendment and the following reasons, Applicant requests that the rejections to claims 11-13, 15 and 17 be withdrawn and the pending claims allowed.

**Discussion of drawing objections**

For overcoming drawing objection, the Applicant adds new drawings FIG. 6 and FIG. 7. The features in claims 15 and 17 are shown in new FIG. 7 and FIG. 6.

**Discussion of Rejection to claims 11 and 12 under 35 USC 102(e)**

Applicant respectfully traverses the rejections of Claims 11 and 12 under 35 U.S.C. 102(e) because Matsumoto does not teach every recitation of these claims. In order to properly anticipate Applicant's claimed invention under 102, each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Further,*

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"[t]he identical invention must be shown in as complete detail as is contained in the ... claim."

See MPEP §2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim."  
See MPEP § 2131.

Matsumoto discloses a laser power control method and an optical disc recording apparatus which can perform recording with a higher grade at variable levels of the recording linear velocity, capable of performing data recording at the plural levels of the recording linear velocity. The process of laser power control is roughly divided into OPC (Optimum Power Control) control carried out as a preliminary stage of actual recording and LPC (Laser Power Control) control performed in actual recording.

Still again, the Applicant respectfully submits that no sampling and holding steps are disclosed in obtaining laser power based on the sample holding signal in Matsumoto. The Examiner asserts that Matsumoto discloses these features. See Office Action Page 3 and Page 5. Applicant respectfully disagrees. The Applicant believes that no sampling and hold are necessary in Matsumoto. The reasons are as follows.

The Applicant believes that in Matsumoto, the test power value is obtained from WDAC value by equation that could be obtained from a lower-precision measurement, or even from the specification provided by a pickup head manufacturer. For example, the default relationship between the test power value and WDAC is expressed as:

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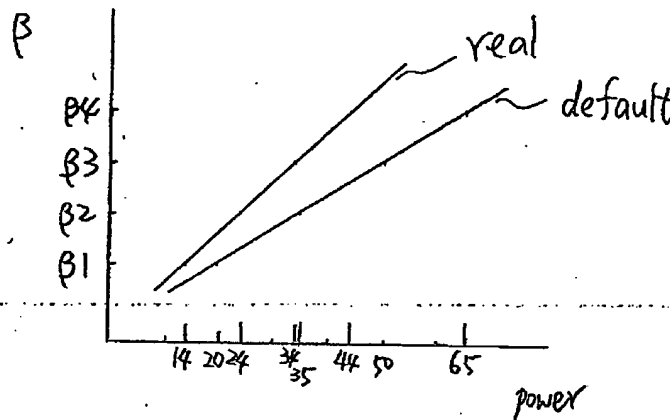
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Power=a\*WDAC+b (provided a=3 and b=5)

WDAC	5	10	15	20
power	20	35	50	65

After power testing, the corresponding  $\beta$  value is  $\beta_1$ ,  $\beta_2$ ,  $\beta_3$  and  $\beta_4$ . The  $\beta$ -power characteristic curve may be like:



However, if in real case, the parameters a and b are 2 and 4, then

WDAC	5	10	15	20
Power	14	24	34	44

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Although the testing power value is different, the corresponding  $\beta$  value should be  $\beta_1$ ,  $\beta_2$ ,  $\beta_3$  and  $\beta_4$ , too. The  $\beta$ -power characteristic curve in real case is shown as above.

This means, in Matsumoto, the test power value is just of a relative value. Even if the default power value and the real power value, both corresponding to the same WDAC value, are used in testing in two different cases, the same  $\beta$  value should be obtained.

Further, in Matsumoto, the C1 value and the  $\beta$  value are obtained for predicting a target  $\beta$  value, as shown in FIG. 3 and FIG. 9. Providing that  $\beta_2$  is the target value. In default setting, the corresponding power value is 35 but in real case, the power value is 24. However, if  $\beta_2$  is the target value, no matter the testing power value is 35 or 24, the WDAC will be 10. WDAC is a key input parameter for the optical disc recording drive in testing.

In Matsumoto, for good C1, the testing result by 35mW power (if default case) or 24mW power (if real case) will be the same because of the same WDAC (10) and the same  $\beta$  target value ( $\beta_2$ ). Therefore, there is no need in Matsumoto to get test power value by sampling and holding.

However, in the claimed invention, the sampling and holding step is necessary because the relationship between WDAC and test power value must be very precise.

Accordingly, the Applicant respectfully submits that Matsumoto does not teach a laser power correction method including sampling and holding said signal to obtain a sample holding signal and obtaining said laser power based on said sample holding signal, as recited in claim 11.

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Because Matsumoto does not teach each and every limitation of Claim 11, Applicant requests that the rejection of claim 11 under 35 U.S.C. 102(e) be withdrawn and this claim allowable.

Claim 12 depend from Claim 11. As explained, Claim 11 is not anticipated by Matsumoto. Accordingly, Claim 12 is also distinguishable from the citation reference for at least the same reason set forth in connection with base claim 11. Further, this reference fails to teach or suggest recitations of Claim 12.

Further, in Claim 12, a curve fit method is applied to obtain a curve representing a relationship between said operational power parameter and said laser power. The Examiner asserts that Matsumoto discloses these features on Col.9 Lines 22-24. Fig. 2 and Col.9 Lines 22-24 of Matsumoto show a relationship between a recording laser power and the asymmetry degree  $\beta$ . As explained above, the sample and holding signal is distinguishable from the asymmetry degree  $\beta$ . Accordingly, because Matsumoto does not teach each and every limitation of Claim 12, Applicant requests that the rejection of claim 12 under 35 U.S.C. 102(e) be withdrawn and this claim allowable.

**Discussion of Rejections of claims 13, 15 and 17 under 35 USC 103(a)**

Claims 13, 15 and 17 were rejected under 35 U.S.C 103(a) as being unpatentable over Nishida in view of Matsumoto. Applicant respectfully traverses the rejections because the Examiner has failed to establish a prima facie case of obviousness.

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To establish a prima facie case of obviousness under 35 U.S.C § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. See MPEP § 2143.

The Examiner failed to establish prima facie obviousness in rejecting Claim 13, 15 and 17 because Nishida and Matsumoto, taken alone or combined, fail to teach or suggest, among other things, all the claim limitations of claims 13, 15 and 17. Accordingly, Claims 13, 15 and 17 are patentable over from the citation references for at least the same reason set forth in connection with base claim 11.

**Prior Art Made of Record**

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

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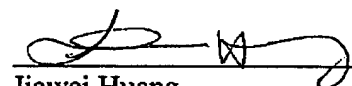
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all rejections have been traversed, rendered moot, and/or accommodated, and that the now all pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney.

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Respectfully submitted,  
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